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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/938,039

Confirmation No.: 1958

Applicants: Karl W. Terry and Bryan S. Lembo

Filed: 08/23/2001

TC/AU: 1712

Examiner: Marc S. Zimmer

**Title: COMPOSITION FOR PROVIDING AN ABRASION RESISTANT
COATING ON A SUBSTRATE WITH A MATCHED REFRACTIVE
INDEX AND CONTROLLER TINTABILITY**

Docket No.: 7124.015

Customer No.: 30589

Mail Stop Fee Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

Sir:

Douglas J. Sorocco, having a mailing address of P.O. Box 16370, Oklahoma City, Oklahoma 73113, in the County of Oklahoma and the State of Oklahoma, represents that he is authorized to sign on behalf of Petitioner/Assignee.

04/25/2005 FHETEK11 00000043 09938039

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110.00 DP

SDC Technologies, Inc. owns one hundred percent (100%) of the right, title and interest in and to any patent granted on **U.S. Serial No. 10/706,551, filed on November 12, 2003, assignment recorded on July 18, 2000, Reel 10924, Frames 294-300.**

SDC Technologies, Inc. owns one hundred percent (100%) of the right, title and interest in and to any patent granted on **U.S. Serial No. 10/706,552, filed on November 12, 2003, assignment recorded on July 18, 2000, Reel 10924, Frames 294-300.**

SDC Technologies, Inc. owns one hundred percent (100%) of the right, title and interest in and to the above-identified patent application, **U.S. Serial No. 09/938,039, filed on August 23, 2001, assignment recorded on July 18, 2000, Reel 10924, Frames 294-300.**

The assignment documents relating to **U.S. Serial Nos. 10/706,551 and 10/706,552**, and to the above-identified application **U.S. Serial No. 09/938,039** have been reviewed and certified by Petitioner/Assignee and, to the best of Petitioner/Assignee's knowledge and belief, title is in the Petitioner/Assignee seeking to take this action.

Petitioner/Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the earlier of the full statutory term defined in 35 U.S.C. § § 154-156 and 173, and

of the term as presently shortened by any terminal disclaimers of any patent granted on **U.S. Serial Nos. 10/706,551 and 10/706,552**.

Petitioner/Assignee further agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on **U.S. Serial Nos. 10/706,551 and 10/706,552**.

This agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner/Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term defined in 35 U.S.C. § § 154-156 and 173, and of the term as presently shortened by any terminal disclaimers of any patent granted on **U.S. Serial Nos. 10/706,551 and 10/706,552** in the event that any patent granted on **U.S. Serial Nos. 10/706,551 and 10/706,552** later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. §§ 154-156 and 173 prior to the expiration of the full statutory term(s) as presently shortened by any terminal disclaimer(s), except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney or agent of record.

4.21.05

(Date)

By: 

Douglas J. Sorocco, Reg. No. 43,145
DUNLAP CODDING & ROGERS, P.C.
P.O. Box 16370
Oklahoma City, Oklahoma 73113
Telephone: (405) 607-8600
Facsimile: (405) 607-8686

Attorney for Applicants